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EXAMINER

LEE, BENNY T

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

896171

Applicant(s)

Mruz et al

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-5 is/are pending in the application.
- Of the above claim(s) 4,5 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 2, 3 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-5 are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 29 June 2001 is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3, drawn to an RF signal divider, classified in class 333, subclass 101.
- II. Claims 4-5, drawn to an RF power amplifier, classified in class 330, subclass 51.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because independent claim 4 lacks such particulars. The subcombination has separate utility such as a passive signal divider.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Abelev on September 10, 2002 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-3. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4-5 are

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withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

The disclosure is objected to because of the following informalities: Page 4, paragraph 0018, note that "16" should be rewritten as --16A, 16B, 16C, 16D-- for consistency with the drawing figures. Page 5, paragraphs 0018 & 0019, note that "16" should be rewritten as --16A-16D-- at all occurrences; paragraph 0020, note that "port(s) 25" should be rewritten as --ports 25A, 25B, 25C, 25D-- for consistency with the drawing figures. Page 6, paragraph 0021, note that "25" should be rewritten as --25A-25D--, and "24" should be rewritten as --24A-24D--, respectively. Pages 6 & 7, paragraphs 0023, 0024, 0025, note that "ports 35" should be rewritten as --ports 35A-35D-- at all occurrences, and reeds "34" should be rewritten as --34A, 34B, 34C, 34D-- at all appropriate occurrences for consistency with the drawing figures. Page 7, paragraph 0024, note that "switching reeds" should correctly be --switching reeds--; paragraph 0025, note that --respectively-- should precede "located" for clarity. Page 8, paragraph 0030, note that "reed 38" does not appear consistent with "reed 39". Page 9, paragraphs 0033 & 0034, note that "16" should properly be --16A, 16B, 16C, 16D-- for consistency with the

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drawing figures; paragraph 0033, note that --as shown in Fig. 3-- should follow "39"; paragraph 0034, "72" should be --72A, 72B, 72C, 72D-- for consistency with the drawing figures, and "log 76" should correctly be --logic 76-- for clarity. Appropriate correction is required.

The disclosure is objected to because of the following informalities: Note that the following reference labels appearing in the corresponding figures should be described in the specification: figs. 1, 3 (16A, 16B, 16C, 16D); fig. 3 (34A, 34B, 34C, 34D); figs. 4, 5, all reference labels except (42, 44); fig. 7 (42, 44, 46, 50); Fig. 8 (72A, 72B, 72C, 72D). Appropriate correction is required.

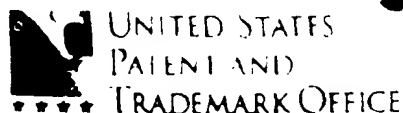
The drawings are objected to because in Fig. 7, reference labels (37, 38, 39) need to be provided as per paragraph 0031 of the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kim et al.



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**Quality Assurance Specialists:**

**Don Hajec.....703-308-4075**

**Paul Dzierzynski.....703-308-4822**

If the contents of the attached correspondence have any clerical omissions, e.g., missing references or pages, illegible text, or any other similar errors, please contact us at the number below. We will take appropriate action to expedite the necessary corrections. Also, if you have general questions concerning any application assigned to Technology Center 2800, please contact our Customer Service Center. Questions concerning the merits of the application must be directed to the Examiner in charge of the particular application, then to the supervisor if appropriate.

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**Directors, Technology Center 2800**

**Semi-conductors, Electrical, Optical Systems & Components**

Sharon Gibson	703/308-0658	2810
Rolf G. Hille	703/306-0658	2820
Richard Seidel	703/306-3431	2830/40
Howard N. Goldberg	703/306-3431	2850-60
Janice A. Falcone	709 308-0530	2870-80

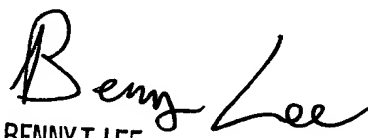
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Kim et al (fig. 4) discloses a switchable power divider circuit comprising four (i.e. greater than three) output ports (46) having a conductor (i.e. transmission line 40) extending to a common port (32) via a conductor (34). The conductor (34) has a second end (36) thereof connected to a single pole n-way switch (38) which can selectively connect one or more of the conductors (40) to the common port (32). Moreover, a switchable impedance matching network comprising conductive impedance matching elements (56) and switches (52) are provided. In operation, the switches (52) can switch one or more of the impedance matching elements (56) into the power divider circuit depending on which divider paths are selectively engaged. Moreover, as is evident from fig. 8, the power divider circuit is configured of conductive reeds which are selectively engaged for mechanical movement by an electromagnet.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Flora discloses a power divider circuit having reed switches. Ke discloses a branching circuit having switched branches and a selectable impedance matching section.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Lee whose telephone number is (703) 308 4902.

  
BENNY T. LEE  
PRIMARY EXAMINER  
ART UNIT 2817  
B. Lee

September 19, 2002